



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

21

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,365	12/31/2003	Sumit Agarwal	Google-58 (GP-155-00-US)	4904
26479	7590	02/22/2007	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			RAYYAN, SUSAN F	
			ART UNIT	PAPER NUMBER
			2167	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/750,365

Applicant(s)

AGARWAL ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments filed November 27, 2006 have been fully considered but they are not persuasive.

Applicant argues prior art of record does not teach "for an ad to be server, selecting one of a plurality of candidate ad landing pages". Examiner finds Patel does teach this limitation. In creating an ad to be served the creator (advertisers) selects the ad landing page (target). This is a necessary step in the creation of an ad that is to be served. Patel clearly indicated at paragraph 0038, line 5 advertisers creating offers comprised of creative and price, at paragraph 0100 serving the ad and at paragraph 0104 redirecting to the appropriate target (ad landing page).

Applicant argues Patel does not teach tracking on a per ad landing page basis. Examiner finds Patel does teach this at paragraph 0104 as gathering information about actions or events related to an ad that has been served such as click-throughs or purchases. This tracking is associated not only with the ad but with the associated ad landing page.

Rejection is maintained.

**DETAILED ACTION**

2. Claims 1-54 are pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2167

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-54 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Application Number 2004/0103024 issued to Dorab Patel ("Patel").

As per independent claim 1 Patel anticipates:

for an ad to be served, selecting one of a plurality of candidate ad landing pages and assembling the ad to include a link to the selected ad landing page (paragraph 38, line 5, creative offer, paragraph 51);

serving the assembled ad (paragraph 51, line 27-28, automatically serving ad); and tracking, on a per ad landing page basis, a performance of the ad (paragraph 104, gathering information related to various actions related to ad).

As per claim 2, same as claim arguments above and Patel anticipates:

wherein the act of selecting one of a plurality of candidate ad landing pages is performed in a round-robin manner (paragraph 355).

As per claim 3, same as claim arguments above and Patel anticipates:

wherein the act of selecting one of a plurality of candidate ad landing pages is performed using a random selection function (paragraph 187, testing different creatives, price points).

Art Unit: 2167

As per claim 4, same as claim arguments above and Patel anticipates:

wherein the performance of the ad tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 5, same as claim arguments above and Patel anticipates:

determining whether or not to designate one of the plurality of candidate ad landing pages using their respective performance and an auto-designation policy and designating the one of the plurality of candidate ad landing pages if it was determined to designate it (paragraph 203, automated mechanism to specify conditions to accept or discontinue).

As per claim 6, same as claim arguments above and Patel anticipates:

wherein the performance of the ad tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 7, same as claim arguments above and Patel anticipates:

accepting a request for performance information, and providing the per landing page performance information to the requester (paragraph 196, reports available for data

Art Unit: 2167

collected by ad server, paragraph 236-239, paragraph 636-637, generate on-demand reports).

As per claim 8, same as claim arguments above and Patel anticipates:

wherein the per landing page performance provided is at least

one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 9, same as claim arguments above and Patel anticipates:

accepting a manual ad landing page designation instruction, and designating one of the plurality of candidate ad landing pages using the manual ad landing page designation instruction ( paragraph 122, paragraphs 424-425, 437, manage banners).

As per claim 10, same as claim arguments above and Patel anticipates:

wherein the performance of the ad tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per

Art Unit: 2167

ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 11, same as claim arguments above and Patel anticipates:

normalizing the per ad landing page ad performance to remove ad landing page independent factors that may influence the ad performance (paragraph 139).

As per claim 12, same as claim arguments above and Patel anticipates:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges (paragraph 186-187 different product offers and prices).

As per independent claim 13 Patel anticipates:

for an ad to be served, selecting one of a plurality of candidate ad landing page, ad creative combinations and assembling the ad to include the selected ad creative and the selected ad landing page of the selected (ad landing page, ad creative) combination(paragraph 38, line 5, creative offer, paragraph51); serving the assembled ad(paragraph 51, line 27-28, automatically serving ad); and tracking, on a per (ad landing page, ad creative) combination basis, a

Art Unit: 2167

performance of the ad(paragraph 104, gathering information related to various actions related to ad) .

As per claim 14, same as claim arguments above and Patel anticipates:

wherein the performance of the ad tracked is at least one of conversion performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 15, same as claim arguments above and Patel anticipates:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges(paragraph 186-187 different product offers and prices).

As per independent claim 16 Patel anticipates:

for an ad to be served, selecting one of a plurality of candidate (ad landing page, ad serving criteria) combinations and assembling the ad to include the selected ad landing page of the selected (ad landing page, ad serving criteria) combination (paragraph 38, line 5, creative offer, paragraph51);

serving the assembled ad (paragraph 51, line 27-28, automatically serving ad); and tracking, on a per (ad landing page, ad serving criteria) combination basis, a

performance of the ad (paragraph 104, gathering information related to various actions related to ad, paragraph 187, automated testing of variables impacting effectiveness of advertising) .

As per claim 17, same as claim arguments above and Patel anticipates:  
wherein the performance of the ad tracked is at least one of conversion performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 18, same as claim arguments above and Patel anticipates:  
wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges(paragraph 186-187 different product offers and prices).

As per independent claim 19 Patel anticipates:  
for an ad to be served, selecting one of a plurality of candidate ad landing pages, wherein each of the plurality of candidate ad landing pages has a different type and assembling the ad to include the selected ad landing page (paragraph 38, line 5, creative offer, paragraph51);

Art Unit: 2167

serving the assembled ad(paragraph 51, line 27-28, automatically serving ad);  
tracking, on a per ad landing page type basis, a performance of a set of ads(paragraph 104, gathering information related to various actions related to ad, paragraph 187, automated testing of variables impacting effectiveness of advertising) .

As per claim 20, same as claim arguments above and Patel anticipates:  
wherein the different types of ad landing pages have different formatting styles  
(paragraph 163, different formats).

As per independent claim 21 Patel anticipates:

a) for an ad serve request, selecting one of a plurality of candidate sets of ad information combinations and serving an ad using the selected set combined ad information (paragraph 100, client ad server request, paragraph 187, automated testing of variables impacting effectiveness of advertising);  
d) tracking, on a per ad information combination basis, a performance of the ad paragraph 187, automated testing of variables impacting effectiveness of advertising,, paragraph 196, ad server collecting summarizing and analyzing data).

As per claim 22, same as claim arguments above and Patel anticipates;  
wherein the performance tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per

Art Unit: 2167

ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 23, same as claim arguments above and Patel anticipates:

wherein the performance tracked is selections per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 24, same as claim arguments above and Patel anticipates:

accepting a request for performance information, and providing the per ad information combination performance information to the requester (paragraph 196, reports available for data collected by ad server, paragraph 236-239, paragraph 636-637, generate on-demand reports).

As per claim 25, same as claim arguments above and Patel anticipates:

wherein the sets of ad information combinations include at least two ad features (paragraph 186).

As per claim 26, same as claim arguments above and Patel anticipates:

wherein the sets of ad information combinations include at least two ad serving constraints (paragraph 186-187).

As per claim 27, same as claim arguments above and Patel anticipates:

wherein the sets of ad information combinations include at least one ad feature and at least one serving constraint (paragraph 186-187).

Art Unit: 2167

As per independent claim 28 Patel anticipates:

means for selecting one of a plurality of candidate ad landing pages for an ad to be served and means for assembling the ad to include a link to the selected ad landing page (paragraph 38, line 5, creative offer, paragraph 51);

means for serving the assembled ad (paragraph 51, line 27-28, automatically serving ad);

d) means for tracking, on a per ad landing page basis, a performance of the ad (paragraph 104, gathering information related to various actions related to ad).

As per claim 29, same as claim arguments above and Patel anticipates:

wherein the means for selecting one of a plurality of candidate ad landing pages performs the selection in a round-robin manner (paragraph 355).

As per claim 30, same as claim arguments above and Patel anticipates:

wherein the means for selecting one of a plurality of candidate ad landing pages performs the selection using a random selection function (paragraph 187, testing different creatives, price points).

As per claim 31, same as claim arguments above and Patel anticipates;

wherein the performance of the ad tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 32, same as claim arguments above and Patel anticipates:  
means for determining whether or not to designate one of the plurality of  
candidate ad landing pages using their respective performance and an  
auto-designation policy, and means for designating the one of the plurality of candidate  
ad landing pages if it was determined to designate it (paragraph 203, automated  
mechanism to specify conditions to accept or discontinue).

As per claim 33, same as claim arguments above and Patel anticipates:  
wherein the performance of the ad tracked is at least one of conversion per impression  
performance, conversion per selection performance, sales per ad selection, sales per  
ad impression, earnings per ad selection, and earnings per ad impression (paragraph  
201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 34, same as claim arguments above and Patel anticipates:  
means for accepting a request for performance information, and  
means for providing the per landing page performance information to the  
requester (paragraph 196, reports available for data collected by ad server, paragraph  
236-239, paragraph 636-637, generate on-demand reports).

Art Unit: 2167

As per claim 35, same as claim arguments above and Patel anticipates:

wherein the per landing page performance provided is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 36, same as claim arguments above and Patel anticipates:

means for accepting a manual ad landing page designation instruction, and means for designating one of the plurality of candidate ad landing pages using the manual ad landing page designation instruction( paragraph 122, paragraphs 424-425, 437, manage banners).

As per claim 37, same as claim arguments above and Patel anticipates;

wherein the performance of the ad tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 38, same as claim arguments above and Patel anticipates:

e) means for normalizing the per ad landing page ad performance to remove ad

Art Unit: 2167

landing page independent factors that may influence the ad performance (paragraph 139).

As per claim 39, same as claim arguments above and Patel anticipates:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges (paragraph 186-187 different product offers and prices).

As per independent claim 40 Patel anticipates:

means for selecting one of a plurality of candidate (ad landing page, ad creative) combinations for an ad to be served and means for assembling the ad to include the selected ad creative and the selected ad landing page of the selected (ad landing page, ad creative combination (paragraph 38, line 5, creative offer, paragraph 51);

c) means for serving the assembled ad (paragraph 51, line 27-28, automatically serving ad);

means for tracking, on a per (ad landing page, ad creative) combination basis,

Art Unit: 2167

a performance of the ad(paragraph 104, gathering information related to various actions related to ad, paragraph 187, automated testing of variables impacting effectiveness of advertising) .

As per claim 41, same as claim arguments above and Pate anticipates; wherein the performance of the ad tracked is at least one of conversion performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 42, same as claim arguments above and Patel anticipates: wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges(paragraph 186-187 different product offers and prices).

As per independent claim 43 Patel anticipates:

means for selecting one of a plurality of candidate (ad landing page, ad serving criteria) combinations for an ad to be served and means for assembling the ad to include the selected ad landing page of the selected ad landing page, ad serving criteria) combination(paragraph 38, line 5, creative offer, paragraph 51);

Art Unit: 2167

means for serving the assembled ad paragraph 51, line 27-28, automatically serving ad);

means for tracking, on a per (ad landing page, ad serving criteria) combination basis, a performance of the ad(paragraph 104, gathering information related to various actions related to ad) .

As per claim 44, same as claim arguments above and Patel anticipates:

wherein the performance of the ad tracked is at least one of conversion performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 45, same as claim arguments above and Patel anticipates:

wherein the plurality of candidate ad landing pages are different in at least one of the following (A) different information, (B) different products offered for sale, (C) different services offered for sale, (D) different product prices, (E) different service prices, (F) different formatting, and (G) different shipping charges(paragraph 186-187 different product offers and prices).

As per independent claim 46 Patel anticipates:

means for selecting one of a plurality of candidate ad landing pages, wherein each of the plurality of candidate ad landing pages has a different type, for an ad

Art Unit: 2167

to be served and means for assembling the ad to include the selected ad landing page(paragraph 38, line 5, creative offer, paragraph51);

means for serving the assembled ad(paragraph 51, line 27-28, automatically serving ad);

means for tracking, on a per ad landing page type basis, a performance of a set of ads (paragraph 104, gathering information related to various actions related to ad, paragraph 187, automated testing of variables impacting effectiveness of advertising) .

As per claim 47, same as claim arguments above and Patel anticipates:  
wherein the different types of ad landing pages have different formatting styles(paragraph 163, different formats).

As per independent claim 48 Patel anticipates:

means for selecting one of a plurality of candidate sets of ad information combinations for an ad serve request and means for serving an ad using the selected set combined ad information(paragraph 100, client ad server request, paragraph 187, automated testing of variables impacting effectiveness of advertising);

means for tracking, on a per ad information combination basis, a performance of the ad(paragraph 187, automated testing of variables impacting effectiveness of advertising, paragraph 196, ad server collecting summarizing and analyzing data).

Art Unit: 2167

As per claim 49, same as claim arguments above and Patel anticipates:  
wherein the performance tracked is at least one of conversion per impression performance, conversion per selection performance, sales per ad selection, sales per ad impression, earnings per ad selection, and earnings per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 50, same as claim arguments above and Patel anticipates:  
wherein the performance tracked is selections per ad impression (paragraph 201, impressions, paragraph 203, actions monitored, paragraph 236, impressions).

As per claim 51, same as claim arguments above and Patel anticipates:  
means for accepting a request for performance information, and  
means for providing the per ad information combination performance information to the requester (paragraph 196, reports available for data collected by ad server, paragraph 236-239, paragraph 636-637, generate on-demand reports).

As per claim 52, same as claim arguments above and Patel anticipates:  
wherein the sets of ad information combinations include at least two ad features (paragraph 186-187).

Art Unit: 2167

As per claim 53, same as claim arguments above and Patel anticipates:

wherein the sets of ad information combinations include at least two ad serving constraints(paragraph 186-187).

As per claim 54, same as claim arguments above and Patel anticipates:

wherein the sets of ad information combinations include at least one ad feature and at least one serving constraint(paragraph 186-187).

***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### Contact Information


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan Rayyan

February 8, 2007

  
**JOHN COTTINGHAM**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100